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Docket No. CL2420 US PCTREMARKS

Claims 1-4, 8-11, and 15-17 were rejected under 35 USC 102(b) over Brandberg (US4,038,425). Claim 3 and 11 are cancelled.

Claims 1, 4, 10, and 16 are amended to more clearly define the invention.

Brandberg discloses, at column 4, lines 5-14, that compartment 13 should be transparent to microwave energy, but the bag 12 can, if desired, be composed of one or more layers of flexible sheet material that is not transparent to microwave energy e.g. aluminum foil to shield the popcorn and thereby reduce heating after it has popped.

The examiner stated that in regard to claims 3 and 11 (the limitations thereof are incorporated into claim 1 and 10, respectively), the cup shape bottom container with sidewall 36 as shown in Figure 1 is the claimed conduit. Applicant respectfully disagrees because the "cup shape container" of Brandberg has no microwave shielding material associated with it and it does not project into the storage chamber. Although composing the bag of a microwave shielding material may reduce the microwave intensity inside the bag, the opening in the bag at the top of the cup will allow some microwave energy to enter the bag. The package of Brandberg will therefore not "prevent the entry of substantially all microwave energy into the storage chamber" as is recited in applicant's amended claim 1.

Brandberg further discloses, column 3, lines 2-7, as follows. "When expanded, the large compartment has inclined lower walls that extend downwardly and centrally toward the upper edge of the small compartment so that unpopped kernels tend to slide or roll back into the small compartment where the fat remains during popping".

In contrast, the hollow conduit of applicant's invention has a microwave shielding material disposed around it and is "configured to prevent the entry of substantially all microwave energy into the storage chamber" (amended claim 1). The hollow conduit of the present invention "projects into the storage chamber such that the projecting portion of the conduit serves as a barrier that retains the cooked comestible material within the storage chamber" (amended claim 4).

Claims 5 -7 and 12 - 14 were rejected under 35 USC 103(a) over Brandberg in view of Dysarz (US5,071,662).

Claims 5-6 and 12-13 are cancelled and claim 14 is amended to more clearly define the invention. Claims 7 and 14 depend from claims 1 and 10, respectfully.

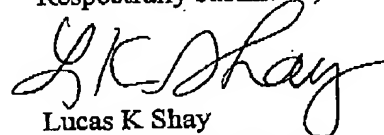
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The discussion of Brandberg above is incorporated herein. Dysarz does not suggest the elements missing in Brandberg such as the recitation of microwave shielding material configured to prevent the entry of substantially all microwave energy into the storage chamber.

Furthermore, elements 9, 11 and 53 of Dysarz referred to by the examiner are not "diverters" in the sense of the term used in applicant's claim 14. Dysarz's element 9 is a "chamber wall" (column 5, line 27), element 11 is a "burst panel" (column 5, line 28) for holding the individual kernels of corn, and element 53 is a "sectioned tray" (column 9, line 14). None of these elements is "disposed within the storage chamber" as clearly called for in applicant's claim 14. From a viewing of FIG. 7A and 7B of applicant's specification, the diverter element 130, 130' is generally conical in shape and is "disposed within the storage chamber". *See also*, page 7, line 23 (A diverter or deflector of a suitable shape 130, 130' may be positioned to divert the cooked comestible material C' and thus distribute it within the storage chamber 118).

The combination of the planar microwave inhibitor 50 of Dysarz with the bag 12 made of shielding material of Brandberg cannot result in the "hollow conduit configured to prevent the entry of substantially all microwave energy into the storage chamber" of applicant's amended claims 1 and 10, from which claims 7 and 14 depend.

Respectfully submitted,



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